

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE:

JOEY L. WELCH
VIRGINIA M. WELCH

DEBTOR

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CASE NO. 19-60334
CHAPTER 7

MOTION TO DISMISS CHAPTER 7 BANKRUPTCY CASE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, JOEY L. WELCH AND VIRGINIA M. WELCH, Debtor(s), by and through their attorney of record, William H. Lively, Jr., and files this his Motion to Dismiss Chapter 7 Bankruptcy Case and would show the Court the following:

Your rights may be affected by the relief sought in this pleading. You should read this pleading carefully and discuss it with your attorney, if you have one in this bankruptcy case. If you oppose the relief sought by this pleading, you must file a written objection, explaining the factual and/or legal basis for opposing the relief.

No hearing will be conducted on this Motion unless written objection is filed with the Clerk of the United States Bankruptcy Court and served upon the party filing this pleading WITHIN FOURTEEN (14) DAYS FROM THE DATE OF SERVICE-shown in the certificate of service unless the Court shortens or extends the time for filing such objection. If no objection is timely served and filed, this pleading shall be deemed to be unopposed, and the Court may enter an order granting the relief sought. If an objection is filed and served in a timely manner, the Court will thereafter set a hearing with appropriate notice. If you fail to appear at the hearing, your objection may be stricken. The Court reserves the right to set a hearing on any manner.

I.

On May 13, 2019, Debtors filed Chapter 7 Bankruptcy.

II.

At the time the Debtor filed his bankruptcy, he had a significant amount of unsecured debt that he could not repay. Approximately two weeks after filing, and prior to his 341a meeting of creditors, the Debtor's mother unexpectedly passed away on or about June 1, 2019. As a result of the passing of his mother, the Debtor will be the beneficiary of a significant estate which will enable him to repay his creditors, and he no longer needs the protection of the automatic stay or the bankruptcy process. Debtor has amended Schedule B in order to accurately disclose the inheritance. It would benefit the Debtor to dismiss the case because he would not incur the fees and expenses associated with the repayment of his creditors by the Chapter 7 Trustee. Further, it would benefit his creditors because they would be repaid much more quickly than if done by the Trustee and through the administration of his case and will not be forced to file proofs of claim. The Bankruptcy code allows a Debtor to dismiss a Chapter 7 case for cause, and in this case, it would be beneficial to the Debtor and his creditors to dismiss this case so that the Debtor can repay his creditors on his own. Accordingly, the Debtors request that this Honorable Court dismiss this cause..

III.

No creditor will be prejudiced by the dismissal of this bankruptcy.

WHEREFORE, PREMISES CONSIDERED, Debtors pray that this Motion to Dismiss Chapter 7 Bankruptcy Case be GRANTED.

DATED June 4, 2019.

Respectfully Submitted,

WILLIAM H. LIVELY, JR.
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Tyler, Texas 75702
Phone 593-3001
Fax (903) 595-3715

/s/ William H. Lively, Jr.,
William H. Lively, Jr.
State Bar Card No. 00786066

ATTORNEY FOR DEBTOR

CERTIFICATE OF SERVICE

This is to hereby certify that a true and correct copy of the above and foregoing Motion to Dismiss Bankruptcy Case has been served on all of the parties on the attached mailing list on June 4, 2019.

/s/ William H. Lively, Jr.
WILLIAM H. LIVELY, JR.

***SERVICE LIST OMITTED FROM MAIL OUT COPIES TO SAVE EXPENSE
COPY OF SERVICE LIST AVAILABLE UPON REQUEST***